

Remarks and Provisional Election

After amendment, claims 1-20 are pending, with claims 1, 7, 13 and 16 being the independent claims. The proposed amendment amends claims 1, 7, 15 and 16 and adds a claim number 17 to correct a previous numbering error. The amendment of the claims is not being made for purposes of patentability and is not intended to narrow any of the original claims.

In view of the above amendment and the following remarks, Applicant respectfully traverses the restriction requirement. Applicant provisionally elects to prosecute claim group II, which includes claims 7-15, 19 and 20.

The Examiner notes that claim group II (claims 7-15, 19 and 20) and claim group I (claims 1-6 and 18) are related as combination and subcombination. Under MPEP § 806, restriction is never proper for related inventions if they are not distinct as claimed. The Examiner contends that claim groups II and I are distinct on the grounds that the combination claims (claims 7-15, 19 and 20) include a panel having plural louvered openings, while the subcombination claims (claims 1-6 and 18) include a panel having at least one louvered opening, i.e., one or more louvered openings. Amended claim 1 has been broadened, however, to recite a cooler pad frame with an inner panel also having at least one louvered opening rather than a plurality of louvered openings. Claims 2-6 and 18 depend from and include the limitations of amended claim 1. Therefore, Applicant respectfully submits that claim group I, as amended, and claim group II are not distinct and restriction as between claim groups I and II should not be required.

The Examiner notes that claim group III (claims 16 and 17) is related to each of claim group I and claim group II as a process and apparatus for its practice. The Examiner urges that

claim group III is distinct from each of claim groups I and II on the grounds that the apparatus can be used to practice a materially different process from the process of group III, such as removal of solid particulates from a gas stream. Applicant respectfully suggests, however, that the described example of “particulate removal from a gas stream” does not appear to be materially different from the process claimed by the group III claims. The claimed process involves removing entrained matter (i.e., moisture droplets) from a gas stream (i.e., an air stream) and the described “different” process also involves removing entrained matter (i.e., “particulate matter”) from a gas stream.

From the foregoing, it does not appear that claim group III is distinct from claim groups I and II. Applicant therefore respectfully submits that restriction should not be required.

Finally, Applicant thanks the Examiner for pointing out that claim number 17 was erroneously omitted and that claim 17, which is a method claim, should depend from claim 16. Claim number 17 has been added and the claim has been amended to correct these errors in form.

Conclusion

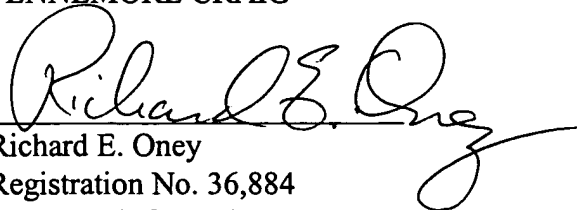
For the reasons set forth above, Applicant respectfully requests reconsideration of the restriction requirement. In addition, Applicant requests that a Notice of Allowance be issued in

this case. The Examiner is invited to telephone Applicant's undersigned representative if he believes that this would facilitate prosecution of the application.

Dated: July 17, 2003.

Respectfully submitted,

FENNEMORE CRAIG

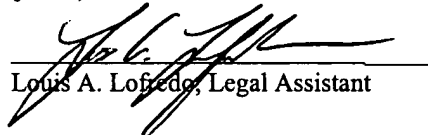


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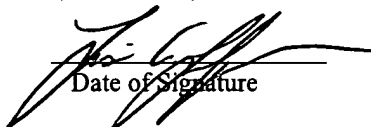
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Louis A. Lofredo, Legal Assistant



Date of Signature